



UNITED STATES
PATENT AND
TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY
AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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Paper No. 18

In re Application of:	:	
Craig et al	:	
Serial No.: 09/469,902	:	PETITION DECISION
Filing Date: December 22, 1999	:	
Attorney's Docket No.: P31251C1	:	

This is in response to "COMMUNICATION REQUESTING WITHDRAWAL OF NOTICE OF ABANDONMENT" filed January 15, 2002.

On June 01, 2001, a final Office action was mailed to applicant, setting forth a three month shortened statutory period for response. On May 9, 2001 a amendment was filed but not entered. On December 28, 2001, a Notice of Abandonment was mailed to applicant for failure to timely file a proper reply to the Office action mailed June 01, 2001. On January 15, 2002, the present petition was filed. The petitioner asserts that a response was made to the office action on December 3, 2001. The petition was accompanied with: 1) a copy of the response to the office action; 2) a transmittal letter requesting a three month extension of time; 3) a Notice of Appeal to the Board of Appeals; and 4) a copy of the post card date stamped by the USPTO mail room on January 3, 2002, indicating that items 1) to 3) were received. Petitioner also urges that the returned postcard was noticeably yellow, perhaps indicating that the response went through a decontamination procedure before received by the PTO.

The petition of January 15, 2002 provides sufficient evidence to show the "AMENDMENT AFTER FINAL REJECTION" was timely filed. Accordingly, the petition is Granted.

The application has been returned to pending status and the application is being forwarded to the examiner for entry and consideration of the "AMENDMENT FTER FINAL REJECTION".

Bruce Kisliuk
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Director, Technology Center 1600